



03560.002820.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
: Examiner: Michael C. Astorino  
YUKO TAMAKI, et al. )  
: Group Art Unit: 3736  
Application No.: 09/867,614 )  
:  
Filed: May 31, 2006 )  
:  
For: BODY TEMPERATURE )  
MANAGING METHOD AND :  
DEVICE, STORAGE )  
MEDIUM, BODY :  
TEMPERATURE MANAGING )  
SYSTEM, AND PROGRAM : November 6, 2006 (Monday)

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

COMMENTS ON ADVISORY ACTION

Sir:

Applicants have received an October 20, 2006 Advisory Action in the subject application. The Advisory Action sheet indicates that the October 3, 2006 Amendment After Final Rejection presents additional claims without cancelling a corresponding number of finally rejected claims.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

November 6, 2006  
(Date of Deposit)

John D. Magluyan, Reg. No. 56,867  
(Name of Attorney for Applicants)

*John D. Magluyan*  
Signature

November 6, 2006  
Date of Signature


It is believed that the Examiner inadvertently checked the incorrect box on the Advisory Action sheet. In particular, the Examiner's notes on the continuation sheet of the Advisory Action state that "the amendment and the response requires further consideration and search". Furthermore, no claims were added in the October 3, 2006 Amendment.

Accordingly, it is believed that the Advisory Action sheet should have indicated that the October 3, 2006 Amendment raises new issues that would require further consideration and/or search, instead of indicating that the Amendment presents additional claims without cancelling a corresponding number of finally rejected claims.

A Request for Continued Examination (RCE) is being submitted herewith. In view of the Advisory Action's reasons for refusing to enter the Amendment, it is believed that the next Office Action cannot properly be made a final rejection.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

  
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